

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.  
23-00033-01/04-CR-W-SRB

WILMER ANTONY MENDOZA PEREZ, et. al.,

Defendants.

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**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

**PENDING CHARGES:**     Count One (All Defendants) – Conspiracy to Distribute Cocaine, *in violation of* 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846;  
  
                                  Count Two (All Defendants) – Possession of Cocaine with Intent to Distribute, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); and  
  
                                  Count Three (Defendants Nieto-Acosta & Acosta-Bermejo) – Possession of Firearms in Furtherance of a Drug Trafficking Crime, *in violation of* 18 U.S.C. § 924(c)(1)(A)(i).

**TRIAL COUNSEL:**

Government: Robert Smith & John Constance  
Case Agent: DEA Task Force Officer Martin Dye  
Defendant Mendoza-Perez: Angela Williams  
Defendant Nieto-Acosta: Jane Francis  
Defendant Acosta-Bermejo: Casey Meek  
Defendant Anguiana-Viera: Matthew Merryman; Nicholas Bates will assist

**OUTSTANDING MOTIONS:** None

**ANTICIPATED MOTIONS:**

Defendant Nieto-Acosta will file a motion in limine regarding his immigration status.

Defendant Anguiana-Viera will file motions in limine.

**TRIAL WITNESSES:**

Government: 6-8 witnesses, with or without stipulations

Defendant Mendoza-Perez: no witnesses; Defendant will not testify

Defendant Nieto-Acosta: 1 witness, including Defendant who may testify

Defendant Acosta-Bermejo: 1 witness, including Defendant who may testify

Defendant Anguiana-Viera: 2 witnesses, including Defendant who may testify

**TRIAL EXHIBITS:**

Government: < 100 exhibits

Defendant Mendoza-Perez: no additional exhibits

Defendant Nieto-Acosta: no additional exhibits

Defendant Acosta-Bermejo: no additional exhibits

Defendant Anguiana-Viera: 6 exhibits

**DEFENSES:**

Defendant Mendoza-Perez:

☒ defense of general denial

☐ defenses of general denial and \_\_\_\_\_

Defendant Nieto-Acosta:

☒ defense of general denial

☐ defenses of general denial and \_\_\_\_\_

Defendant Acosta-Bermejo:

☒ defense of general denial

☐ defenses of general denial and \_\_\_\_\_

Defendant Anguiana-Viera:

☒ defense of general denial

☐ defenses of general denial and \_\_\_\_\_

**POSSIBLE DISPOSITION:**

Defendant Mendoza-Perez:

☐ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☒ Likely a plea will be worked out

Defendant Nieto-Acosta:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

Defendant Acosta-Bermejo:

☐ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☒ Likely a plea will be worked out

Defendant Anguiana-Viera:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

**TRIAL TIME: 3-4 days**

Government's case including jury selection: 2-3 days

Defendant Mendoza-Perez: ½ day

Defendant Nieto-Acosta: ½ day

Defendant Acosta-Bermejo: ½ day

Defendant Anguiana-Viera: ½ day

**STIPULATIONS:**

Defendant Mendoza-Perez:

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
  - ☐ chain of custody
  - ☒ chemist's reports
  - ☐ prior felony conviction
  - ☐ interstate nexus of firearm
  - ☐ other: \_\_\_\_\_

Defendant Nieto-Acosta:

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
  - ☐ chain of custody
  - ☒ chemist's reports
  - ☐ prior felony conviction
  - ☐ interstate nexus of firearm
  - ☐ other: \_\_\_\_\_

Defendant Acosta-Bermejo:

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
  - ☐ chain of custody
  - ☒ chemist's reports
  - ☐ prior felony conviction
  - ☐ interstate nexus of firearm
  - ☐ other: \_\_\_\_\_

Defendant Anguiana-Viera:

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
  - ☐ chain of custody
  - ☒ chemist's reports
  - ☐ prior felony conviction
  - ☐ interstate nexus of firearm
  - ☐ other: \_\_\_\_\_

**UNUSUAL QUESTIONS OF LAW:** None

**FILING DEADLINES:**

**Witness and Exhibit Lists:**

Government: November 20, 2023

Defense: November 20, 2023

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions:** November 20, 2023

**Jury instructions must comply with Local Rule 51.1**

**Motions in Limine:** November 20, 2023

**TRIAL SETTING:** Criminal jury trial docket commencing December 4, 2023

**Please note:**

*The Government requests the second week of the docket, due to the unavailability of an essential witness (whose testimony will likely take more than ½ day) on December 5th and 6th.*

*Angela Williams, counsel for Defendant Mendoza-Perez, has another case on the December docket: United States v. Ahmad Rashad Rhodes, 23-00068-01-CR-W-HFS.*

*Jane Francis, counsel for Defendant Nieto-Acosta, has a client testifying in a District of Kansas case during the second week of the docket.*

**OTHER:**

( x ) A Spanish-speaking interpreter is required.

( ) Other assistive devices: \_\_\_\_\_

**IT IS SO ORDERED.**

/s/ Jill A. Morris  
JILL A. MORRIS  
United States Magistrate Judge